



PATENT

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37 C.F.R. §1.10

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Peter J. Manso

Date

Nov. 16, 1999

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Eugenio A. Cefali  
Serial No.: 08/962,027  
Filing Date: October 31, 1997  
Group Art Unit: 1615  
Examiner: W. Benston, Jr.  
Title: *Intermediate Release Nicotinic Acid Compositions for Treating Hyperlipidemia Having Unique Cmax, Tmax and AUC Biopharmaceutical Characteristics*

Assistant Commissioner for Patents  
Box CPA  
Washington, D.C. 20231

TRANSMITTAL

Transmittal herewith are the following documents and fee:

1. Continued Prosecution Application (CPA) Request Transmittal;
2. Check in the amount of \$647.00; and
3. Return Postcard.

Respectfully Submitted,

Date: November 16, 1999

Peter J. Manso  
Reg. No. 32,264

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CAU-1665 #

PTO/SB/29 (2/98)

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## CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional applications under 37 C.F.R. § 1.53(d))

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Attorney Docket No.	20270-95585
First Named Inventor	Eugenio A. Cefali
Examiner Name	W. Benston, Jr.
Group / Art Unit	1615
Express Mail Label No.	EE683174224US

This is a request for a ☒ continuation or ☐ divisional application under 37 C.F.R. § 1.53(d),  
(continued prosecution application (CPA)) of prior application number 08 / 962,027  
Intermediate Release Nicotinic Acid Compositions  
filed on 10/31/97, entitled for Treating Hyperlipidemia (As Amended)

### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. § 1.78(a).

1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_  
under 37 C.F.R. § 1.116 in the prior nonprovisional application.
2. ☐ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).
  - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:  
.....
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed: 11/18/1999 DUONG 00000111 08962027
  - a. ☐ PTO-1449
  - b. ☐ Copies of IDS Citations

01 FC:231	380.00 OP
02 FC:202	195.00 OP
03 FC:203	72.00 OP

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(Page 1 of 2)

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 C.F.R. § 1.18(c) or (j))	28	-20* =	8	x \$ 18 =	\$ 144.00
INDEPENDENT CLAIMS (37 C.F.R. § 1.18(b) or (i))	8	-3** =	5	x \$ 78 =	390.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d))				+ \$ _____ =	-0-
				BASIC FEE (37 C.F.R. § 1.16)	760.00
				Total of above Calculations =	1,294.00
Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27 & 1.28).					647.00
* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.				TOTAL =	647.00

## 6. Small entity status:

- a. ☐ A small entity statement is enclosed, if (b) and (c) do not apply.  
b. ☒ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.  
c. ☐ Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 50 - 0951:

- a. ☒ Fees required under 37 C.F.R. § 1.16.  
b. ☒ Fees required under 37 C.F.R. § 1.17.  
c. ☐ Fees required under 37 C.F.R. § 1.18.  
8. ☒ A check in the amount of \$ 647.00 is enclosed.  
9. ☐ Other: \_\_\_\_\_

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**NOTE:**

The prior application's correspondence address will carry over to this CPA  
**UNLESS** a new correspondence address is provided below.

## 10. NEW CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Labelor ☐ New correspondence address below

(Insert Customer No. or Attach bar code label here)

Name Peter J. MansoAkerman Senterfitt & Eidson, P.A.Address 450 E. Las Olas Blvd.Suite 950City Fort LauderdaleState FloridaZip Code 33301Country USATelephone 954-463-2700Fax 954-463-2224

## 11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)

Peter J. Manso

Signature

Registration No. (Attorney/Agent)

32,264

Date

November 16, 1999